

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF November 20, 2019



DNREC Auditorium, 89 Kings Hwy SW, Dover, DE 19901
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ADVISORY COUNCIL

Dewayne Fox, Ph.D., Chair
Bernie Pankowski
Brian Hoeffcker
James “Jay” Little
Marvin Kahl, Jr.
P. “Wes” Townsend
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stew Michels
Chief Drew Aydelotte
David Saveikis, Director

PUBLIC

11 Visitors

Agenda Item 1. Welcome

Chairman Dewayne Fox called the meeting to order at 6:00 PM and welcomed everyone.

Agenda Item 2. Approval of September 18, 2019 Meeting Minutes

Motion made by Mr. Pankowski and seconded by Mr. Little to accept the September meeting minutes as written, with Council passing the motion unanimously.

Agenda Item 3. Preview of new DNREC e-permitting system for the purchase of fishing licenses – Karen McNamara, DTL, and Vanguard, DNREC’s contractor, gave an overview of the new ePermitting system and associated license sales platform under development and demonstrated how to create an account and purchase a recreational fishing license. The new ePermitting system will be accessible through computer, tablet and mobile phone, including Apple devices, to obtain recreational fishing licenses, boat fishing licenses and Fisherman Information Network (FIN) numbers. This new license sales platform is scheduled to be available as soon as January 2020 for online and Division of Fish & Wildlife licensing desk use, followed soon thereafter at license sales agents. Similar sales platforms are being developed for commercial fishing licenses, hunting and trapping licenses and boat registrations.

Agenda Item 4. Update on the Joint Multi-council Subcommittee Evaluating Fish and Wildlife Violations/Fines – Wes Townsend, stated that the subcommittee has held two meetings since August with a third meeting scheduled for December. He stated that the subcommittee is working on proposals to tier fish and wildlife violations based on the extent of illegal activity with each tier having a range in the number of violations per incident specific to and appropriate for the type of violation (e.g., Tier 1 violation being 1-10 violations of a specific infraction per individual incident, Tier 2 being 11-20 violations of a specific infraction per individual incident, etc.), with fines commensurate to each violation tier. Any change in the fine structure and monetary amount would require a change in state law.

Agenda Item 5. Regulatory Update – Stew Michels, Fisheries Program Manager, stated that the Start Action Notice (SAN) 2019-07 for Cobia to adopt *de minimis*

measures or measures consistent with our nearest *non-de minimis* neighbor (VA) was approved and the draft regulation is awaiting legal review. SAN 2019-10 to expand Striped Bass anchor netting in the Delaware River between Liston Point and the southern shore of the Appoquinimink River has been approved and is awaiting legal referral as the next step in the regulation adoption process.

Agenda Item 6. Mid Atlantic Fisheries Management Council (MAFMC) – Stew Michels, Fisheries Program Manager, stated that the MAMFC met jointly with the ASMFC and adopted the 2020 and 2021 specifications for Scup, Black Sea Bass and Bluefish based on peer-reviewed respective operational stock assessments, and also reviewed the previously-adopted 2020 specifications for Summer Flounder. Scup, Black Sea Bass and Summer Flounder are not overfished and overfishing is not occurring. The 2019 Bluefish assessment concluded that Bluefish are overfished. MAFMC discussed revising the recreational and commercial Bluefish allocations and measures to include in the mandated ten-year rebuilding plan. MAFMC and the ASMFC Summer Flounder, Scup and Black Sea Bass Board jointly initiated development of an amendment to reevaluate the commercial and recreational sector allocations for all three species, and will move forward on a Black Sea Bass Commercial Issues Addendum.

Agenda Item 7. Atlantic States Marine Fisheries Commission (ASMFC) – John Clark, Fisheries Administrator. Stew Michels stated that ASMFC set the 2020 Horseshoe Crab Delaware Bay harvest limit to 500,000 males, which keeps the Delaware quota at status quo of 162,136 male crabs, and that the Spiny Dogfish Board approved Addendum VI to allow commercial quota transfers between all regions and states. **Mr. Clark** stated that the commercial Tautog harvest tagging program will be implemented in 2020 and the Division will distribute tags provided by ASMFC to commercial fishermen. The Atlantic Menhaden Board received an update on the single species and benchmark stock assessments, and unanimously found Virginia out of compliance with the Menhaden Fisheries Management Plan (FMP) for exceeding the Chesapeake Bay harvest cap. The American Eel Board approved the coast-wide cap coverage policy, which includes both a voluntary process that states can implement to prevent overages and a mandatory catch reduction process that states must implement if there is an overage. The Weakfish Board received the results of the latest stock assessment, which showed the population is still depleted but not overfished. The Shad and River Herring Board received an update that the American Shad stock assessment will be delayed until mid-2020. The South Atlantic Board approved release of draft Addenda

for Spot and Atlantic Croaker for public comment; a joint Delaware and Maryland public hearing was subsequently scheduled for Wor-Wic Community College in Salisbury, MD on December 16, 2019 at 6pm.

Respectfully Submitted by

Agenda Item 8. Delaware's Options to Comply with the ASMFC's Mandated 18% Reduction in Striped Bass Removals, Including the Recreational and Commercial Sector Allocations – F&W, John Clark, Fisheries Administrator, stated that the ASMFC approved Striped Bass Addendum VI with the following management measures: an 18% reduction relative to 2017 removals applied to both commercial and recreational sectors, with the default recreational measure of a one fish daily possession limit and a 28"- 35" slot limit. In addition, the use of circle hooks when fishing with bait for Striped Bass will be mandatory. However, states were also allowed to use Conservation Equivalency (CE) to develop alternative regulations that reduce total removals by 18%. The Division developed two CE options for Council consideration: the first would reduce recreational Striped Bass removals by 18% and retain a modified recreational summer slot fishery in the Delaware Bay/River and tributaries (28"- 35" with a 1 fish possession limit year round; except 1 at 20"- 25" in DE River, Bay and their tributaries from July 1 - August 31) and reduce the commercial poundage quota by 18%; the second would reduce recreational Striped Bass removals by 20% and retain a modified recreational summer slot fishery in the Delaware Bay/River and tributaries (28"- 38" with a 1 fish possession limit year round; except 1 at 20"- 25" in DE River, Bay and their tributaries from July 1 - August 31) and reduce the commercial poundage quota by 2%. The Council and audience discussed the options at length before the Council passed a motion recommending that the Division seek ASMFC CE approval to reduce recreational removals by 20% while retaining a modified recreational summer slot fishery in the Delaware Bay/River and tributaries and to reduce the commercial poundage quota by 2% (motion made by Mr. Pankowski and seconded by Mr. Townsend and passed 4 – 1 with one abstention).



Rebecca Hoover
Recording Secretary

Agenda Item 9. Should Delaware Reduce the Summer Flounder Recreational Possession Limit? – Council, John Clark, Fisheries Administrator, stated that an angler requested that he ask the Council to consider providing input to the Division on whether to reduce Delaware's current recreational Summer Flounder possession limit of four. The Council did not take any formal action on the proposal.

Agenda Item 10. Director's Update – David Saveikis, Fish & Wildlife Division Director, informed the Council that the General Assembly will be in session starting January 2020 and that the Division will inform the Council of any tidal finfish legislation.

Suggested Agenda Items for Next Meeting, tentatively scheduled for January 15, 2020

1. Update on Vibrio

The meeting adjourned at 8:06 PM